



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

JRE

Docket No: 7101-99

24 October 2000



Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that although you suffered from back pain from time to time during your enlistment, that condition did not render you unfit for duty, or contribute to your unfitting knee conditions, and was not ratable by the Physical Evaluation Board. The fact that the Department of Veterans Affairs (VA) awarded you a 10% rating for a back condition effective the day after you were discharged from the Navy was not considered probative of error or injustice, because the VA awards disability ratings without regard to the issue of fitness for military duty. With regard to the recent increase in the ratings for your knee conditions, the Board noted that whereas the VA may raise or lower ratings throughout a veteran's lifetime, those assigned by the military departments are fixed as of the date of separation or permanent retirement.

In view of the foregoing, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be

taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director